DOCUMENT RESUME

ED 122 333 CS 501 364

AUTHOR Garay, Ronald
TITLE Public Access: Evolution of the Citizen Agreement.
PUB DATE 76
NOTE 17p.; Paper presented at the Annual Meeting of the Broadcast Education Association (Chicago, Illinois, March 1976)

EDRS PRICE MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS *Broadcast Industry; Citizen Participation; *Citizen Role; Communication (Thought Transfer); *Federal Legislation; *Public Policy
IDENTIFIERS FCC; Federal Communications Commission; *Public Access

ABSTRACT

This paper examines public access by focusing attention on development of the citizen intervenor role and development of the citizen agreement concept, and by discussing the future role of agreements as viable elements of public access. Examined are such topics as the history of citizen intervention, the history of citizen agreements, reimbursements and contributions, citizen agreement disapproval, the Proposed Policy Statement on Citizen Agreement, comments received by the Federal Communications Commission (FCC) on its Proposed Policy Statement, and the adoption of the Agreement Statement. It is concluded that seven years ago the mere accomplishment of a negotiated citizen agreement brought praise from the FCC. Now, praise is reserved not for accomplishments by citizen groups in negotiation with a license, nor for the spirit of public interest consciousness of an agreement, but for the "saving clause" that virtually relieves the broadcaster of the obligation to honor any accompanying provisions of the agreement. (TS)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED122333

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

PUBLIC ACCESS:

EVOLUTION OF THE CITIZEN AGREEMENT

Ronald Garay
School of Radio-TV
Ohio University

PERMISSION TO REPRODUCE THIS COPYRIGHTED MATERIAL HAS BEEN GRANTED BY

Ronald Garay

TO ERIC AND ORGANIZATIONS OPERATING UNDER AGREEMENTS WITH THE NATIONAL INSTITUTE OF EDUCATION. FURTHER REPRODUCTION OUTSIDE THE ERIC SYSTEM REQUIRES PERMISSION OF THE COPYRIGHT OWNER.

Broadcast Education Association
Chicago, Illinois
March, 1976

Q5501 364

> If you can settle citizens complaints at the local level, if you can replace litigation with discussion and negotiation, and if you bring about a better and more responsive broadcast service without FCC involvement, it seems to me that we are all better off--we being broadcasters, members of the public and, last, but not least, the FCC.[1]
>
> Richard Wiley
> FCC Chairman

In December, 1975, the Federal Communications Commission issued its Policy Statement on Agreements Between Broadcast Licensees and the Public[2] concluding a process that began almost a decade earlier. The events within that process were inspired by a consumer movement[3] in which access-minded citizen groups have attempted "to effect change within the system controlled by the broadcaster"[4] but "not so much to encourage regulatory action as to substitute for government regulation a novel kind of private regulation."[5] Aiding the citizen in attaining some degree of broadcast access has been the negotiated broadcaster-citizen agreement.[6] Antecedent to recognition of the legitimacy of the citizen agreement[7] was recognition of the citizen's right to intervene in FCC hearing procedures and to petition as "party in interest" to deny broadcast license renewal. Threat of a petition to deny became a means by which citizen groups successfully negotiated citizen agreements to favor their demands.[8]

This paper will examine public access by focusing attention initially on development of the citizen intervenor role followed by development of the citizen agreement concept and concluding with remarks on the future role of agreements as viable elements of public access.

Citizen Intervention

The Federal Communications Act provides in part: "Any party in interest may file with the Commission a petition to deny any application . . . at any

time . . . prior to the day of the Commission grant thereof . . . ."[9] The petition to deny is a grievance mechanism by which an intervenor petitions the FCC not to renew a broadcast license due to the licensee's failure to serve the public interest.[10] The petitioner has the option to withdraw his petition to deny at anytime if he and the licensee resolve their differences. Otherwise, the administrative action that results whenever a petition to deny is filed invariably becomes expensive and time consuming . . . to the extent that FCC Chairman Richard Wiley in 1974 termed the burgeoning number of petitions to deny a "national tragedy."[11]

Citizen groups were first given the status of intervenors in the Office of Communication of the United Church of Christ v. FCC decision in 1966.[12] The appellant citizen group in the decision had originally filed a petition to intervene before the FCC to present evidence and arguments opposing the renewal application of television station WLBT in Jackson, Mississippi. The Commission denied the petition on the grounds that "standing is predicated upon the invasion of a legally protected interest or an injury which is direct and substantial and that 'petitioners . . . can assert no greater interest or claim of injury than members of the general public'."[13] Traditionally, the FCC had held economic injury and electrical interference as the only valid criteria to warrant standing in cases involving petitions to deny.[14] However, the U.S. Court of Appeals for the District of Columbia Circuit reversed the FCC saying in part:

> Since the concept of standing is a practical and functional one designed to insure that only those with a genuine and legitimate interest can participate in a proceeding, we can see no reason to exclude those with such an obvious and acute concern as the listening audience. This much seems essential to insure that the holders of broadcasting licensees be responsive to the needs of the audience, without which the broadcaster could not exist.[15]

The Court again addressed itself to the role of citizen intervention

in its second WLBT decision in 1969,[16] in which Judge Warren Burger admonished an FCC hearing examiner for treating citizen intervenors as "interlopers" and for his "curious neutrality-in-favor-of-the-licensee." Shifting the burden of proof from the citizen to the licensee the Court described the citizen intervenor as analogous to "a complaining witness who presents evidence to police or prosecutor whose duty it is to conduct an affirmative and objective investigation of all the facts . . . ." In short, the Commission was to regard the citizen intervenor "hospitably, as 'an ally,' not 'an opponent'."[17]

Further amending and broadening the role of citizen intervenor, the FCC's 1972 Alabama Educational Television Commission[18] decision held that a citizen intervenor need not be a citizen of a community served by a broadcaster whose license renewal is being challenged. "As long as an interested group is able to demonstrate that its participation in a hearing will both serve the public interest and aid the Commission in its determination of an issue in question, the intervenor will be granted an opportunity to participate in the proceedings as a party."[19]

In June, 1975, citizen group participation in the license renewal process took another step forward when the FCC agreed to allow groups to comment on renewal application amendments filed by licensees attempting to resolve issues originally raised by the commenting group's petition to deny.[20]

As a result of citizen intervention recognition:

> . . . citizens' groups have sprung up in virtually every city which is served by radio or television stations. National coordinating and legal centers, generously funded by non-profit foundations, now operate in key communications cities, grinding out guides to intervention procedures and providing legal assistance to intervenor groups.[21]

Citizen Agreements

The FCC had opposed allowing citizen groups legal standing in part

because of the administrative burdens it would create.[22] Though that reason was dismissed by the Court as unjustified, a way did materialize that would relieve some of the burden.

Little more than a month after the 1969 WLBT decision, the FCC renewed the license of KTAL-TV, Texarkana, Texas, as a result of a private agreement between the station licensee (KCMC, Inc.) and a coalition of local citizen groups.[23] The coalition had originally filed a petition to deny renewal of KTAL's license but had withdrawn it in response to the agreement signed by the licensee outlining grievances presented by the coalition. Praising such an agreement mechanism the FCC said:

> We believe that this Commission should encourage licensees to meet with community oriented groups to settle complaints of local broadcast service. Such cooperation at the community level should prove to be more effective in improving local service than would be the imposition of strict guidelines by the Commission.[24]

Citizen agreements normally have contained provisions reflective of the original goals of the citizen group negotiating the agreement. Padden has divided citizen groups into two distinct categories: (1) minority groups whose proposals generally contain employment and programming objectives, and (2) special interest groups whose proposals contain strict programming objectives without racial or ethnic overtones.[25] The predominant minority citizen groups often circulate policy statements among themselves to use in possible agreement negotiations.[26] As such, the KTAL agreement has become a model on which more than a hundred citizen groups have subsequently based agreements of their own. Some of the provisions of the KTAL agreement included: (1) employment of minority staff members and public affairs director; (2) programs devoted to discussion of local controversial issues with both black and white participants; (3) programs directed toward informing poor persons of rights and services;

(4) religious programs with all religions, denominations and local minority churches represented; and (5) periodic consultation with local citizen groups on local program needs.[27]

Three years after the KTAL precedent, the FCC swung the door open wider for those citizen groups and licensees who could settle their differences through a KTAL-type agreement. In its 1973 Final Report and Order regarding Formulation of Rules and Policies Relating to the Renewal of Broadcast Licenses,[28] the Commission extended filing dates for license renewal applications from three to four months prior to license expiration and from two to three months prior to the cut off date for filing petitions to deny. By doing so, the FCC hoped to insure adequate time for interested parties to:

> (a) examine a renewal application, (b) discuss any problems with licensees and determine if negotiation is desirable and possible, and (c) decide to file a timely petition to deny, to not file a petition, or to come with the licensee to the Commission and request an extension of time to continue negotiations.

The Final Report and Order would also help lessen what FCC Chairman Dean Burch termed the "triennial spurt of interest"[29] by requiring licensees to make periodic announcements via their stations "informing the public of the licensee's obligation to the public and of the appropriate method for individuals to express their opinions of the station's operation."[30]

Reimbursements and Contributions

An issue peripheral to citizen agreements was raised in 1970, when the United Church of Christ, whose legal assistance was instrumental in negotiating the KTAL agreement in favor of the citizen coalition, requested reimbursement from KTAL for expenses incurred while working with the coalition. The FCC refused to allow such a request citing absence of statutory precedence for such a situation, the possibility of overpayment abuse by "opportunists motivated to file insubstantial petitions in order to obtain substantial fees" and the

possibility that "settlement of the merits of the dispute might be influenced by the ability to obtain reimbursement . . . ." An accompanying dissenting statement by Commissioner Kenneth Cox noted the chilling effect the decision could have on future actions by citizen groups and national organizations assisting renewal challenges and agreement negotiations.[31] The U.S. Court of Appeals for the District of Columbia Circuit reversed the Commission basing its decision on Section 311(c) of the Communications Act[32] which had been declared non-applicable by the FCC.[33] Upon remand by the Court, the FCC approved reimbursal of $15,000 by KTAL to the United Church of Christ in 1972.[34]

A simpler approach to acquiring monetary settlement from a licensee was devised by the Citizens Communication Center (CCC). In 1971, CCC filed a petition to deny license renewal against Capital Cities Broadcasting based on Capital Cities' pending acquisition of several broadcasting stations from Triangle Publications in violation of the FCC's top-50 policy. CCC withdrew its petition, however, and urged prompt approval of the station transactions once Capital Cities agreed to commit a million dollars to the Minority Program Project designed to reflect minority problems in cities where Capital Cities' stations would be located.[35]

Citizen Agreement Disapproval

The aggressiveness of some citizen groups in overstepping the boundaries of legal propriety in fashioning agreements began appearing in 1971. In the case of WAVO-AM-FM of Decatur, Georgia, a petition to deny license renewal and pending transfer of license was withdrawn by the Community Coalition of Broadcasting (CCB) when the station licensee signed an agreement to amend hiring and programming practices to better favor the black community. The FCC disapproved of the agreement language due to its specificity in demanding "maximum use of all available network programming of special interest to the Black Community,"

airing of such programming at regularly scheduled time and no preemption of such programming without prior consultation with CCB representatives.[36] The Commission objected to CCB's failure to allow for the licensee's discretionary flexibility in programming matters as expressed in the 1960 Programming Policy Statement:

> [T]he Commission . . . [has] consistently maintained that responsibility for the selection and presentation of broadcast material ultimately devolves upon the individual station licensee and that the fulfillment of such responsibiilty requires the free exercise of his independent judgment.[37]

Another agreement between Heftel Broadcasting and the Boston Community Media Committee (BCMC) was invalidated by the FCC in 1973.[38] Again, the Commission based its disapproval on abdication of licensee responsibility in order to avoid the threat of a BCMC petition to deny license renewal. In a strongly worded statement accompanying the decision, Commissioner Richard Wiley said:

> . . . I am disturbed by the willingness of some licensees, in an apparent attempt to avoid the Commission's processes, to abrogate their obligations as public trustees and turn over to third parties responsibilities which are uniquely their own. In my opinion, the public is ill served if those who are licensed to serve their communities, and held accountable for their stewardship relinquish, for purely private reasons, the obligation to make independent judgments that affect the public interest.[39]

Propcsed Policy Statement on Citizen Agreements

Licensee willingness to delegate previously non-delegable responsibilities persuaded the FCC of the need to reevaluate its position on citizen agreements and to construct a policy on agreements. In framing the approach the Commission might take, Chairman Wiley suggested that although the FCC could niether mediate nor fashion rules to govern mediation of citizen agreement negotiation, the Commission could nonetheless "delineate the kinds of provisions which it may feel would be contrary to a licensee's public trusteeship and which

[the Commission] would be constrained to reject."[40]

Accordingly, the FCC, in June, 1975, issued its Proposed Policy Statement on Agreements Between Broadcast Licensees and the Public.[41] Among the provisions of the document was the Commission's affirmation that licensees would not be required to become a party to citizen agreements but that any agreement amended to a renewal application would be a representation to the Commission and would be treated as would any other such promise of future performance. Such a representation could be modified later if the significance of such modification could be justified during license renewal. The Commission would review an agreement separate from the renewal application only if questions were raised about the legality of agreement provisions. No oral agreements would be recognized by the Commission; written agreements were to be placed in the station's public file.

The Proposed Policy Statement was generally mute on specific agreement content, but it did include prohibitions against provisions that would (1) "bind the licensee to broadcast a fixed amount of programming directed to a particular segment of the community . . ."; or (2) "require that the licensee hire an individual from a list of candidates supplied by a citizen group . . . ." Finally, the Proposed Policy Statement would take effect upon its release.

Reservations as to certain of the Proposed Policy Statement provisions were voiced by Commissioner James Quello who argued that citizen agreements should in no way be recognized by the Commission since to do so would imply sanction. Commissioner Quello envisioned recognition as a wedge by which any number of citizen groups, each with differing and sometimes antithetical views, could force agreement demands upon licensees.[42]

Once the Proposed Policy Statement had been implemented the FCC moved to apply it to several pending cases. In one of these involving an agreement

between WAUD, Auburn, Alabama and the Human Relations Council of Alabama,[43] the Commission ruled the agreement invalid due to binding programming and employment provisions. Another agreement between KTTV-TV, Los Angeles, California and the National Association for Better Broadcasting[44] was rejected by the FCC due primarily to a provision requirement that KTTV not carry a number of programs because of their allegedly harmful content. Dissenting to both decisions Commissioner Glen Robinson questioned the necessity of Commission review of citizen agreements since his interpretation of the Proposed Policy Statement placed sole responsibility for determining whether or not adherence to agreement provisions would properly serve the public interest in the hands of licensees, not the Commission.[45]

In two other citizen agreement cases[46] where binding programming provisions would otherwise have met with disapproval the Commission nonetheless approved both agreements since each contained a textual fixture termed a "saving clause." In the agreement between KMJ-TV, Fresno, California, and the Television Advisory Committee of Mexican-Americans (TACOMA), the saving clause read:

> TACOMA understands that communication law and the rules of the Federal Communications Commission require that the final responsibility for all program decisions must remain with station management, and nothing contained in this agreement shall be construed to be inconsistent with that requirement.[47]

Comments on and Adoption of Agreement Statement

All comments received by the FCC on its Proposed Policy Statement agreed to the value of broadcaster-citizen group dialogue, and most favored some kind of citizen agreement. Opposition to agreements was partially based on the non-representativeness of many citizen groups, especially in respect to lack of major constituencies in the general public. One group questioned the adequacy of a licensee's ascertainment should he choose not to meet with

citizen groups. And another group would have required not only public filing of citizen agreements but filing of all agreements and contracts with "networks, program syndicators, advertisers, management and program consultants and others who provide program matter or otherwise control program content . . . ." Several groups labeled as discriminatory the use of "non-delegable responsibility" as a criterion for rejecting binding citizen agreements since common trade agreements (network affiliation and syndication contracts) "give much of the discretion of station operation and programming content . . . to parties other than the licensee." A suggestion was made that failure of a licensee to adhere to a citizen agreement filed as part of his renewal should result in a hearing, and one group suggested forfeitures as a punitive measure for such misrepresentation.[48]

All suggestions for alterations were summarily noted and generally rejected by the Commission as it formulated a final draft of its Policy Statement on Agreements Between Broadcast Licensees and the Public, adopted December 10, 1975.[49] Generally, the Proposed Policy Statement was adopted intact. Two additional provisions, however, warned licensees of the Commission's refusal to honor agreements "purporting to preclude the filing of a petition to deny" and provided a preventative assist to licensees by offering an opportunity to correct any agreement impropriety discovered by the Commission without formal hearing.

Conclusion

From the beginning, the citizen access episode has been an uphill struggle as citizen groups cleared one obstacle after another to gain some foothold in broadcasting's inner sanctum. With only the courts as an ally citizen groups were finally able to gain the support of the FCC once the innovative citizen agreement provided a method of relieving the growing tension

between the broadcaster and certain elements of the public. Whether viewed as "community control" or "extortion,"[50] proliferation of citizen agreements seems to have been accepted by some broadcasters as a necessary concession to having their license renewed. But citizen groups began to carry agreement bargaining provisions beyond the limits acceptable to the FCC. By 1973, access by agreement had become "overkill."

The 1975 policy statement on citizen agreements all but erased many gains that citizen groups had made in terms of citizen-broadcaster negotiation. Regardless of how one viewed it, the agreement as a bargaining lever for citizen groups who otherwise would have filed a petition to deny was a means by which broadcasters were made aware of their public interest responsibilities. However, FCC reaction to ever increasing demands by citizen groups has resulted in a backlash of sorts in which momentum of the access by agreement movement has been hampered.

Seven years ago the mere accomplishment of a negotiated citizen agreement brought praise from the FCC. Now, plaudits are reserved not for accomplishments by citizen groups in negotiation with a licensee nor for the spirit of public interest consciousness of an agreement, but for the "saving clause" that virtually relieves the broadcaster of honoring any accompanying provisions of the agreement.

FOOTNOTES

[1]"Wiley Hints at Changes of FCC Policy on Broadcaster-Citizen Group Agreements," Access, 3 (undated model issue, late 1974), p. 30

[2]Agreements Between Broadcast Licensees and the Public, 40 Federal Register 59730 (1975).

[3]Richard Jencks, Vice President, CBS Washington, describes the consumerism movement as "reformist in its objectives, populist in its rhetoric, intensely pragmatic in its methods." Richard W. Jencks, "Broadcast Regulation by Contract: Some Observations on 'Community Control' of Broadcasting," in Readings in Mass Communication: Concepts and Issues in the Mass Media, 2nd ed., Edt. Michael C. Emery and Ted C. Smythe, (William C. Brown Publishers: Dubuque, Iowa, 1974), p. 32.

[4]Leonard Zeidenberg, "The Struggle Over Broadcast Access," Broadcasting, 81 (September 20, 1971), p. 32.

[5]Jencks, p. 33.

[6]Heiss describes the citizen agreement process as "private ordering" in which "individuals and organizations solve their problems by negotiation in the absence of government." He later modifies this, however, by referring to KTAL-type agreements as a hybrid of administrative-judicial and private ordering concepts. Robert C. Heiss, "The Texarkana Agreement as a Model Strategy for Citizen Participation in FCC License Renewals," Harvard Journal on Legislation, 7 (May, 1970), pp. 635-636.

[7]As defined by the FCC:

> [A] citizen agreement is a written agreement between a broadcast applicant, permittee, or licensee, and one or more citizens or citizens groups, entered for primarily non-commercial purposes. This definition includes those agreements that deal with goals or proposed practices directly or indirectly affecting station operation in the public interest, in areas such as--but not limited to--community ascertainment, programming and employment.
> 40 Federal Register 59730, 59735 (1975).

[8]"Study Finds Clout in Mere Filing of Petition to Deny," Broadcasting, 88 (February 3, 1975), p. 34.

[9]47 USC 309(d)(1) (1970). The Code of Federal Regulations in its most recent revision (October 1, 1975) adds:

> The petition must set forth the interest of petitioner in the proceedings, must show how such petitioner's participation will assist the Commission in the determination of the issues in question, and must be accompanied by the affidavit of a person with knowledge as to the facts set forth in the petition.
> 47 CFR 1.223(b) (1975).

[10]Michael J. Morrissey and John J. Smith, "The Federal Communications Commission: Fairness, Renewal, and the New Technology," The George Washington Law Review, 41 (May, 1973), p. 690.

[11]"Wiley Voices Concern Over 'National Tragedy' Exemplified By Wave of Petitions to Deny," Broadcasting, 87 (October 21, 1974), p. 8.

[12]Office of Communication of the United Church of Christ, et al. v. FCC, 7 RR 2d 2001 (1966).

[13]Id., 2005.

[14]Id., 2006.

[15]Id., 2008.

[16]Office of Communication of the United Church of Christ, et al, v. FCC, 16 RR 2d 2095 (1969).

[17]"WLBT Loses License, FCC Its Dignity," Broadcasting, 76 (June 30, 1969), p. 21.

[18]Alabama Educational Television Commission, 24 RR 2d 248 (1972).

[19]Morrissey, p. 691.

[20]"Citizen Role Is Expanded in Renewals," Broadcasting, 89 (June 10, 1975), p. 35.

[21]Preston R. Padden, "The Emerging Role of Citizens' Groups in Broadcast Regulation," 25 (Federal Communications Bar Journal, 1972), p. 83. Publications relating to the citizen role in broadcasting include the FCC's The Public and Broadcasting--A Procedure Manual, 39 Federal Register 32288 (1974), Nicholas Johnson's How to talk back to your television set (Bantam Books: New York, 1970), and United Church of Christ publications How to Protect Your Rights in Television and Radio (1974) by Ralph M. Jennings and Pamela Richard, Citizen Action in Radio and Television (1971) by Marsha O'Bannon Prowitt, and Parties in Interest (1974) by Robert Lewis Shayon.

[22]Office of Communication of the United Church of Christ, et al, v. FCC, 7 RR 2 d 2001, 2006.

[23]KCMC, Inc., 19 FCC 2d 109 (1969).

[24]Id.

[25]Padden, pp. 85-91.

[26]Zeidenberg, p. 38.

[27]Robert Lewis Shayon, Parties in Interest, (Office of Communication of the United Church of Christ: New York, 1974), pp. 9-24.

[28]Final Report and Order in the Matter of Formulation of Rules and Policies Relating to the Renewal of Broadcast Licenses, 43 FCC 2d 1 (1973).

[29]"Stronger Role for Citizens' Groups," Broadcasting, 79 (December 7, 1970), p. 15.

[30]Final Report and Order in the Matter of Formulation of Rules and Policies Relating to the Renewal of Broadcast Licenses, 43 FCC 2d 1 (1973).

[31]KCMC, Inc., 25 FCC 2d 603 (1970). See also, Radio Station WSNT, Inc., 31 FCC 2d 1080 (1971).

[32]Federal Communications Act, 311(c) reads:

> Congress provides for Commission approval of reimbursement when one or several competing applicants for new broadcasting facilities withdraws to permit the speedy initiation of service to the public by one broadcaster.

[33]Office of Communication of the United Church of Christ v. FCC, 24 RR 2d 2001 (1972).

[34]KCMC, Inc., 35 FCC 2d 240 (1972).

[35]Triangle Publications, Inc., et al., 28 FCC 2d 80 (1971).

[36]Bob Jones University, Inc., et al., 32 FCC 2d 781 (1971).

[37]Report and Statement of Policy Re: Commission En Banc Programming Inquiry, 20 RR 2d 1901 (1960).

[38]Heftel Broadcasting-Boston, Inc., et al., 42 FCC 2d 1076 (1973).

[39]Id., 1078.

[40]"How Far Can Citizen-Group Agreements Go?" Broadcasting, 87 (December 23, 1974), p. 17.

[41]Agreements Between Broadcast Licensees and the Public, Proposed Policy Statement and Notice of Proposed Rulemaking, 40 Federal Register 25689 (1975). Subsequently:

> [The Commission] decided to state policies about citizen agreements rather than adopt specific rules because of the licensee's inherent discretion to agree or not, as it chooses, and to change an agreement, once made. Moreover, we were concerned that any rules which might be devised would be so detailed and cumbersome as to distract the parties from focusing their efforts on resolving their legitimate differences. Id., 59731.

[42]"Commissioner Quello, 'Concurring':" Access, 12 (June 9, 1975), p. 9.

[43]Citizens Communications Center, 34 RR 2d 1021 (1975).

[44]National Association for Better Broadcasting, 55 FCC 2d 800 (1975).

[45]Id., 803-804.

[46]Television Advisory Committee of Mexican-Americans, 54 FCC 2d 1241 (1975) and WXYZ, Inc., 35 RR 2d 635 (1975).
56 FCC 2d 457

[47]Television Advisory Committee of Mexican-Americans, 54 FCC 2d 1241 (1975).

[48]Agreements Between Broadcast Licensees and the Public, 40 Federal Register 59730 (1975).

[49]Id.

[50]Padden, p. 84.